

AB:ALK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH OF THE  
PREMISES KNOWN AND DESCRIBED AS  
68-07 MYRTLE AVENUE, GLENDALE,  
NEW YORK 11385 AND ANY CLOSED  
CONTAINERS/ITEMS CONTAINED  
THEREIN

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

No. 20-MJ 501

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION UNDER RULE 41 FOR A  
WARRANT TO SEARCH AND SEIZE**

I, THOMAS ADAMCZYK, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as 68-07 Myrtle Avenue, Glendale, New York 11385, and any closed and locked containers found therein (the “PREMISES”), as further described below and in Attachment A, for the things described in Attachment B.

2. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”). As such, I am a “federal law enforcement officer under Federal Rule of Criminal Procedure 41 and am authorized to apply for a search warrant. I have been a Special Agent with HSI for approximately two years. During that time, I have

participated in investigations involving, price gouging, hoarding and counterfeit goods. I have also received training about, and participated in investigation into, the importation and sale of counterfeit or mislabeled goods. In connection with that work, I have participated in searches of premises connected with price gouging, hoarding, and the importation and sale of counterfeit or mislabeled goods.

3. I make this affidavit based on my personal knowledge from participating in this investigation, including communications with others who have personal knowledge of the events and circumstances described herein; oral and written reports about this investigation, directly or indirectly from law enforcement personnel; and information gained through my training and experience.

4. This affidavit is intended to show only that there is probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

### **THE PREMISES**

5. The PREMISES is a storefront with a green awning that states “Ktone Gift” in yellow letters located at 68-07 Myrtle Avenue, Glendale, New York 11385. Photographs of the outside of the PREMISES and the inside of the PREMISES (taken from outside the PREMISES) are included in Attachment A and below. The PREMISES includes a ground floor and basement. This affidavit seeks permission to search the ground floor and basement.





### **PROBABLE CAUSE**

6. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 2320 (trafficking in counterfeit goods) and Title 18, United States Code, Section 1343 (wire fraud) have been committed by FEI WU, also known as KEVIN WU (hereinafter, “WU”). There is also probable cause to search the PREMISES, as further described below and in Attachment A

for evidence, instrumentalities, contraband and fruits of these crimes further described in Attachment B.

7. In October 2019, HSI received information from eBay regarding sellers on the platform that eBay suspected were selling counterfeit goods, specifically relating to the sale of counterfeit tire rims, among other items. The information from eBay indicated that these sellers were placing counterfeit center caps into vehicle tire rims. A center cap typically bears the logo of the vehicle or tire manufacturer (e.g., “Honda” or “Toyota”) and is placed in the center of a vehicle’s tire rim. According to the information provided by eBay, these sellers were placing fake “Honda” and “Toyota” center caps into generic tire rims and selling the tire rims as if they were, in fact, manufactured by Honda or Toyota. Based on my training and experience, customers will pay more for a Honda or Toyota tire rim than for a generic tire rim.

8. The information provided by eBay also indicated that four of the eBay accounts—bigdeals718, directdeal888, wheelmax99 (formerly kukufashion) and Sammy9Store—were linked to WU. In particular, the information from eBay indicated that WU had provided his real name and other identifying information, including PayPal account information, in establishing these eBay accounts.

9. The information provided by eBay further indicated that WU is also associated with a company called K-tone Corp (also known as K-tone Gift, K-tone Group, and K-tone Music Corp) with an address at 71-20 68th Place, Glendale, New York 11385.

10. Further investigation by HSI confirmed that WU resides at 71-20 68th Place, Glendale, New York 11385.

11. In the course of further investigation, HSI learned that a store called Ktone Gift is located at 68-07 Myrtle Avenue (the PREMISES), just a few blocks from WU's residence.

12. On January 9, 2020, an HSI Task Force Officer went to the PREMISES. Through the glass window, the agent observed that the PREMISES is not a functioning retail store open to the public. The PREMISES was locked, and filled almost entirely with approximately 400 to 500 white boxes with external labels indicating that tire rims were contained inside. These boxes were also appropriately shaped for containing tire rims.

13. On March 18, 2020, an HSI Task Force Officer conducted additional surveillance at the PREMISES. The agent observed a woman enter the PREMISES and leave with approximately three or four white boxes. These boxes had external labels indicating that tire rims were contained inside and were appropriately shaped for containing tire rims. The HSI agent observed the woman bring the boxes by foot to WU's residence. The woman's appearance was consistent with a woman later confirmed to be WU's mother, as explained below.

14. On July 1, 2020, an HSI Task Force Officer and I went to WU's residence in order to speak with WU. On approaching the residence, approximately eight white boxes were

visible in the open garage. The boxes were consistent in size and appearance with the boxes observed in the PREMISES.

15. We knocked on the front door to WU's residence, and a man opened the door. We identified ourselves as law enforcement officers and asked to speak with WU. WU came to the door and also produced a New York state driver's license confirming his identity.

16. WU agreed to speak with us and confirmed that he had received a recent shipment of tire rims. WU consented to an inspection of the boxes in his garage. We opened two boxes, each of which contained a single wheel rim lacking a center cap. We then opened a third box which contained a single wheel rim with a blank center cap. In my training and experience, such generic products lacking logos or parts are consistent with the creation of counterfeit products.

17. WU indicated that he stored the majority of his tire rims in a warehouse and provided three different addresses for the alleged warehouse. He could not provide any additional detail about the warehouse.

18. WU confirmed that he owns the PREMISES, but stated he did not have a key to open the PREMISES at that time.

19. While talking with WU, I observed a woman whom WU confirmed to be his mother with a hand truck and what appeared to be UPS shipping labels leave WU's residence on foot.

20. We left WU's residence and returned to our vehicle which was parked outside the PREMISES. There, we observed WU's mother, with the hand truck and UPS labels, unlock the PREMISES, enter the PREMISES, and begin loading boxes consistent with those that contain tire rims from within the PREMISES onto the hand truck.

21. Remaining at the threshold to the store, I showed WU's mother a picture on the internet of a Honda center cap and asked whether there were any in the PREMISES. She eventually produced two center caps with "Honda" logos on them, each in a plastic bag.

22. I took pictures of these "Honda" center caps and sent them to Honda for a determination as to whether they are counterfeit.

23. Honda confirmed that the center caps are counterfeit. Honda explained that the "Honda" logo is not consistent with Honda's genuine logo and is not in a color that Honda uses. Honda further stated that the center caps are not packaged in a manner consistent with Honda's practices.

24. As noted, surveillance of the PREMISES has revealed that the premises also contains a basement. Based on the fact that the ground floor of the PREMISES is filled almost entirely with boxes, and based on my experiences investigating similar crimes, I believe there is probable cause to believe that the basement contains additional boxes.

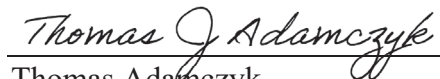


25. While our investigation to date has not excluded the possibility that WU sells some non-counterfeit goods, this warrant requests permission to seize only counterfeit goods and evidence of the sale, over the internet or otherwise, of counterfeit goods. Upon executing this search warrant, law enforcement will work diligently, pursuant to established internal protocols which include consulting brand representatives, to determine whether any seized items are not counterfeit goods or not evidence of the sale, over the internet or otherwise, of counterfeit goods. To the extent the items seized are not counterfeit, law enforcement will return those items to WU forthwith.

### **CONCLUSION**

26. I submit that this affidavit supports probable cause for a warrant to search the PREMISES described in Attachment A and seize the items described in Attachment B.

Respectfully submitted,



Thomas Adamczyk  
Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me by telephone on July 1, 2020,

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Honorable James Orenstein  
UNITED STATES MAGISTRATE JUDGE

## ATTACHMENT A

### *Property to be searched*

The property to be searched is 68-07 Myrtle Avenue, Glendale, New York 11385 (the “PREMISES”). The PREMISES is a storefront with a green awning that states “Ktone Gift” in yellow letters. The PREMISES also includes a basement. This warrant authorizes the search of the ground floor and basement. Photographs of the outside of the PREMISES and the inside of the PREMISES (taken from outside the PREMISES) are below.





## **ATTACHMENT B**

### *Property to be seized*

The items to be seized from the Premises include the following evidence, fruits, contraband, and instrumentalities violations of Title 18, United States Code, Section 2320 (trafficking in counterfeit goods) and Title 18, United States Code, Section 1343 (wire fraud) described as follows:

- a. Evidence concerning occupancy or ownership of the PREMISES, including without limitation, utility and telephone bills, mail envelopes, addressed correspondence, diaries, statements, identification documents, address books, and telephone directories;
- b. Tire rims and/or center caps bearing counterfeit labels or other marks for car manufacturers, whether contained in boxes, parcels or other containers;
- c. Any generic or unbranded merchandise, to include but not limited to, generic tire rims; and
- d. Any and all records related to the trafficking of counterfeit goods, to include invoices and purchase orders.